

0-10-29

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE PROVISION OF CERTAIN TOWING SERVICES IN THE CITY OF NORTH LITTLE ROCK; WAIVING BIDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City of North Little Rock ("City") is empowered under Ark. Code Ann. § 27-50-1101 to regulate the nonconsensual towing of vehicles; and

WHEREAS, the City is further authorized to enter into contracts for the provision of towing services for City vehicles; and

WHEREAS, it is impractical to follow a bidding process to obtain towing services for the City when the amount of towing which will be required is unknown; and

WHEREAS, the City issued a request for proposals (attached hereto as Exhibit "A") to determine the most appropriate manner to contract for towing services; and

WHEREAS, after receiving responses to the RFP, City employees discussed and negotiated fair terms among towing companies which responded to the RFP and met qualification requirements for service; and

WHEREAS, the terms as negotiated between the City and towing companies are reflected in the agreement which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the Mayor and City Clerk, or their designee(s), are hereby authorized to execute a Towing Service Contract ("Agreement") with such towing companies that: (1) maintain reasonable vehicle storage yards and towing equipment within the municipal boundary of the City of North Little Rock; (2) responded to the City's RFP; and (3) agree to abide by the terms and conditions as stated in the Agreement which shall be substantially similar in form and content to the agreement that is attached hereto and incorporated herein as Exhibit "B."

SECTION 2: That the Contracting Officer, as defined in the Agreement, shall have reasonable and regular communication with contracted towing companies in order to ensure compliance with the terms of the Agreement, and to establish and amend service territories and/or scheduling.

SECTION 3: That the application of bidding requirements under Ark. Code Ann. § 14-58-303 is uncertain as the amount of the contract awarded hereunder is uncertain. Further, competitive bidding is impractical and does not further the City's interest to ensure that multiple towing companies remain available to provide services within North Little Rock according to a predictable price and service level. Thus, to the extent that competitive bidding is required, such bidding is waived.

SECTION 4: It is hereby found and determined that there is an immediate need to regulate the nonconsensual towing of vehicles in the City of North Little Rock; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

ATTEST:

Patrick H. Hays

Mayor Patrick H. Hays

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED 11:16 A.M. _____ P.M.
BY Becky - City Atty. Ofc.
DATE 4-20-10
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED by J. Marshall